

# California Farmers Union

"The Most Valuable Tool on Your Farm"

October 12, 2001

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Dockets Management Branch (HFA-305)  
Food and Drug Administration  
Room 1061  
5630 Fishers Lane  
Rockville, MD 20852

To Whom It May Concern:

I am writing on behalf of the family farmer and rancher of the California Farmers Union (CFU) to express our strong opposition to a proposal put forward by the American Dairy Products Institute (ADPI) and the National Cheese Institute (NCI) to change the definition of milk and nonfat milk under the standards of identity for cheese and cheese products in 21 CFR 133.3. Given that California is the top dairy producer in the nation, dairy farmers in this state have a great deal at stake if the definition of our milk is changed.

We firmly believe that using filtered milk to make cheese would significantly alter the composition and quality of cheese produced in the United States. During the filtration process, minerals such as calcium, are removed which in turn lowers the lactose level in milk. Less lactose in milk used for cheese would mean that cheese would not longer have the fullness of flavor that consumers enjoy today. Use of liquid filtered milk will undoubtedly lower the quality of cheese products. Although liquid filtered milk is produced domestically, once we change the definition it is certain that filtered milk imports from Canada will increase dramatically which will displace U.S. milk and cause future surpluses.

The petitioners fail to acknowledge the fact that they are able to use filtered milk today, by producing and using the filtered milk in the same plant, under the alternative make procedures. Further, if processors are concerned about transporting milk for cheese production, they can condense the milk to reduce volume. Unlike filtration, condensing the milk does not result in the loss of minerals and lactose.

We are further concerned that changing the definition will open the door for a rise in imports of Milk Protein Concentrate (MPC). It is well known that other countries dump their surplus dairy production into the U.S. market by exporting dry filtered milk, called milk protein concentrate (MPC). Due to a flaw in our current trade agreements, MPC is able to enter the U.S. in unlimited amounts tariff free. CFU is supporting legislation to correct this error in our trade laws, but passage of that important piece of legislation remains uncertain.

Because it is highly concentrated, MPC displaces a significant amount of the market for U.S. produced milk, which harms U.S. dairy farmers. As well, when MPC is used to produce cheese, it lowers demand for milk and milk products across the board, which eventually results in Commodity Credit Corporation (CCC) purchases of surplus product. Up until now, the Food and Drug Administration (FDA) has not conducted a study to determine if MPC is generally regarded

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2881 Geer Road, Suite D • Turlock, CA 95382  
P. O. Box 1957 • Turlock, CA 95381

email: [cfu@calfu.org](mailto:cfu@calfu.org)

(209) 632-0381 • Fax (209) 632-5262  
web site: <http://www.calfu.org>

as safe. We are concerned that the continued use of MPC in a wide variety of food product could pose a food safety risk.

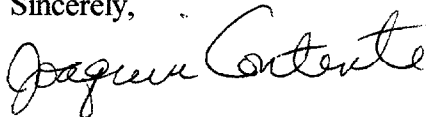
Some MPC imports come from countries that are experiencing problems with foot and mouth disease, which is highly contagious. Even though the MPC is pasteurized, the whole process of collecting milk from farms that may have infected animals, producing the MPC in plants that serve those farmers, and then shipping the MPC to the same processing plants in the United States that send trucks to U.S. farms, increases the possibility of spreading the contamination. While the risk may seem small, the potential loss to any dairy farmer whose herd becomes infected is tremendous.

The National Milk Producers Federation (NMPF) is on record in opposition to allowing the use of dry filtered milk, MPC, but supports changing the definition to allow the use of liquid filtered milk. We are deeply concerned that changing the definition to allow the use of liquid filtered milk would ultimately result in the use of the dry filtered MPC. This in turn would lower the quality of the cheese produced in the U.S. and cause tremendous hardship to dairy producers around this country.

U.S. dairy farmers have worked hard to produce milk that is used to make a high quality cheese product. Allowing UF milk to be used to produce cheese will lower the quality of the product we have worked so hard to achieve. As well, it will greatly increase the flood of imports of subsidized MPC that could jeopardize the safety of the food supply.

In summary, we object to both petitions, and strongly urge FDA to maintain the current definition of milk (21 CFR 133.3).

Sincerely,

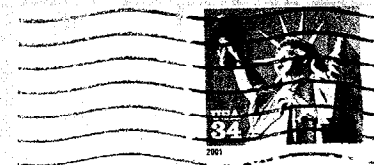
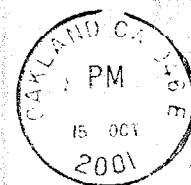
A handwritten signature in cursive script, reading "Joaquin Contente".

Joaquin Contente  
President

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